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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,997	09/29/2000	Will A. Egner	NORR-0009-US(13212RRUS02U	2652

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EXAMINER

EWART, JAMES D

ART UNIT PAPER NUMBER

2683

DATE MAILED: 01/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/675,997

Applicant(s)

EGNER ET AL.

Examiner

James D Ewart

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 3-11, 13-23, 25-37, 39 and 42.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Regarding claims 39 and 42 and whether Ogasawara teaches multiple cameras, the cameras are placed at the entry/exit of the store. There could be multiple entry and exits to the store. Ogasawara further discloses that “each entrance gate further includes a videographic image collection means, such as a video camera, which captures videographic image of a customer as they enter the establishment”. The fact that Ogasawara teaches “each entrance gate” implies that there can be any number of entrance gates and thus having a camera at each gate means that there is a plurality of cameras. Examiner equates the particular “entrance” a person is entering as the “persons location”. Regarding the argument of claim 39 that the storing of video data received from plurality of cameras as the user changes location is not taught, see column 14 lines 22-45, pictures of a customer entering the store are stored in a photo log. Being that there is a camera at each entrance and there are any number of entrances there could be any number of locations where the picture is taken.

Regarding claims 3, 16, 17, 18 and 29, DeTemple teaches a system for tracking the position of customers via shopping cart or basket, creating a customer profile and displaying pricing, advertising and other specialized information at remote display modules which are connected to a central computer. Examiner equates this with fixed presentation devices for advertising (Figure 1; 28 and 30 and Column 4, Lines 20-22 and Column 10, Lines 10-21), customer profile (Column 8, Lines 20-29) and tracking the location of a customer (Column 4, Lines 22-25 and Column 8, Lines 37-39); and sending information to present to the user on a presentation device in the proximity of the user (Column 1, Lines 20-26, Column 2, Lines 66 – Column 3, Line 17 and Column 10, Lines 10-21). The systems of DeTemple and Owensby both

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include a tracking system for tracking the customer, a customer profile and both include providing advertising to the customer on a display. Owensby however provides targeted advertising based on the location of the user (abstract). The reason to combine Owensby with DeTemple is to provide targeted messages to a customer (0011) to provide more value to the effectiveness of the advertisement (0008, last sentence).

Regarding claims 13 and 26, both DeTemple and Owensby teach sending advertising. Owensby further teaches targeted advertising based on the location of the user (abstract). Neither DeTemple nor Owensby suggest determining information of common interest to users. , Shapira teaches a matchmaking system which determines information of common interests to users (see Column 3, Lines 22-33). Regarding the improper combination of DeTemple and Owensby see the above argument.



Ewart

January 8, 2004



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